

05.01.2022
Court No.32
rpan /221

CRM 5842 of 2021

[Through Video Conferencing]

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

In Re. : **Piyarul Sk**

- Petitioner

Mr. Krishnendu Bhattacharya,
Mr. Priyankar Ganguly
... for the Petitioner.

Mr. Navanil De
... for the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Karimpur Police Station Case No. 01 of 2020 dated 04.01.2020 under Section 21(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

Mr. Bhattacharya, learned advocate appearing for the petitioner submits that though the petitioner's earlier prayer for bail was rejected on 28th January, 2021, there had been no substantial progress in the trial and he has already suffered long incarceration for a period of one year eleven months. He further argues that the petitioner's name has transpired on the basis of the statement of a co-accused and there was no recovery of contraband substance above commercial quantity from his possession. He has been roped in since contraband substance was subsequently recovered from his house. In similar fact

situation a coordinate Bench of this Court in CRM 1642 of 2021 has granted bail to an accused in a NDPS case. Let the said order, as produced, be kept on record.

Per contra, Mr. De, learned advocate appearing for the State opposes the petitioner's prayer and submits that there had been no substantial change in the circumstances subsequent to rejection of the petitioner's earlier prayer for bail on 28th January, 2021. Contraband substance above commercial quantity was recovered from the house of the petitioner on the leading statement of the petitioner and as such, his direct involvement in the offence cannot be ruled out and the rigours of Section 37 of the NDPS Act are attracted.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diaries of the present case and the Special Case no.24 of 2019, arising out of Kaliachak Police Station Case no.704 of 2019, in which a coordinate Bench of this Court granted bail to an accused.

It appears that on the basis of a leading statement of the petitioner, contraband substance above commercial quantity was recovered from his house. The fact situation involved in the Special Case no.24 of 2019 is not similar to the facts involved in the present case. We also do not find any substantial change in the facts and circumstances subsequent to rejection of the petitioner's earlier prayer for bail on 28th January, 2021.

In view thereof, we are not inclined to exercise our discretion in favour of the petitioner and his prayer for bail is rejected at this stage.

The prayer for bail of another co-accused person, namely, Ratan Kumar Das, in the present case, was rejected by this Court on 13th December, 2021 with a direction towards early conclusion of the trial, preferably within a period of six months.

Accordingly, the learned court below is directed to take appropriate steps towards conclusion of the trial within the period as referred to in the earlier order passed on 13th December, 2021 in CRM 7736 of 2021.

The application for bail, being CRM 5842 of 2021 is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J.) (Tapabrata Chakraborty, J.)